

REMARKS

A petition to extend the time for response by one (1) month was enclosed with the response dated January 11, 2008.

Claims 20-29 were previously pending in the application. Claims 20-23 were withdrawn in light of a prior restriction requirement. By the Amendment, Claims 24-29 are currently amended.

The claims stand rejected under the cited prior art of record. Specifically, Claims 24-27 and 29 were rejected under 35 USC §102(b) as being anticipated by Hoffberg et al. US Published Patent Application No. 20021515992 A1 (Hoffberg '992). Claim 28 was rejected under 35 USC §103(a) as being unpatentable over Hoffberg '992. Claim 24 is under objection as including an apparent typographical error.

The present amendment has changed to language of Claim 24 to the extent that the objection is rendered moot. The Applicant respectfully traverses the claim rejections and submits to the contrary that the present invention is not taught or disclosed by Hoffberg '992.

The Applicant gratefully acknowledges the opportunity to discuss the present application with the Examiner on October 4, 2007 including a discussion of the Hoffberg '992 reference and claim 24 of the present application.

Independent Claim 24, as amended, recites a dishwasher for subjecting items to a dishwashing operation. The dishwasher includes an assembly for executing a washing program during which a washing liquid is applied to items in the dishwasher; and an assembly for executing a drying program during which items that have been wetted during a washing program are subjected to drying, each of the assembly for executing a washing program and the assembly for

executing a drying program being operable to execute their respective programs only if the dishwasher is in a program run state.

The present invention, as recited in independent Claim 24 further includes an assembly for controlling the dishwashing operation of the dishwasher such that, in response to both an interruption of an ongoing execution of the drying program and a resumption of the execution of the drying program, a parameter value is measured and analyzed to determine whether a predetermined deviation of the measured parameter value from a nominal value is present or absent and, in a first given circumstance, the drying program is resumed if a selected one of a presence of the predetermined deviation and an absence of the predetermined deviation from a nominal value is determined and, in a second given circumstance, the washing program and the drying program are restarted if the other of the presence of the predetermined deviation and the absence of the predetermined deviation is determined. The present invention provides, responsive to an interruption of an ongoing execution of a drying program, a single adjustment - whether or not to restart the program - based on an internal water temperature measurement as an indicator of the duration of program interruption without any direct input from a user. Such structure is neither disclosed nor suggested by the Hoffberg '992 reference.

The Hoffberg '992 patent publication is directed to an adaptive interface for a programmable system that will predict a desired user function based on the user history as well as the machine internal status and the context. The predictive input is presented for confirmation by the user and the predictive mechanism is updated based on feedback from the user input. (See Abstract). The general idea is to operate a system, such as a smart house as indicated in example 17 beginning at paragraph 1182 of the Hoffberg '992 publication, in an anticipatory manner based on past use. The Official Action notes, with reference to paragraph 1182 that the Hoffberg '992 device may use appropriate sensors to execute the program "start dishwasher". The Official Action further notes that Hoffberg '992 teaches that the

application may be used for controlling a washing machine and a dryer that allegedly reads on the applicant's claims for wash and drying functions in a dishwasher. (See paragraph 1281.) The Official Action then refers to paragraph 1198 as a "further explanation" that in the event of a "door opening situation" the system would take appropriate action. It should be noted that paragraph 1198 offers no "further explanation" of the discussion of paragraph 1281 since it precedes paragraph 1281, and is discussing an entirely different application of the Hoffberg '992 system. In fact, all three referenced paragraphs discuss distinct applications of the Hoffberg '992 system.

The "door opening situation" is discussed by Hoffberg in reference to a weather door of a house opening and the climate control system reacting to control the climate within the house based on the door opening situation. The haphazard nature of the selective interpretations of the Hoffberg '992 reference reflect improper hindsight reasoning based on what is disclosed in the present application. While the Hoffberg '992 reference discloses a system to control a dishwasher, among many other systems, within the smart house, the Hoffberg '992 system takes programming information supplied by the user in the past to provide preprogramming information such as a new predicted start time based on a history of operation. The generalized nature of the Hoffberg '992 publication reveals application of the foregoing general premise of using user history to provide predictive control of a device over many systems within a dwelling, based on past user input.

In substantial contrast, the present invention does not require input from a user to directly control the program. The drying program on the present invention is altered based on an internal measured temperature of water within the dishwasher and the program is either continued or restarted based on the water temperature. An assumption is made that, if the water temperature is sufficiently cool, the door to the dishwasher was opened long enough to warrant restarting the dishwasher

program and was not opened for a sufficiently short period of time to continue the drying program. Such a structure is neither disclosed nor suggested by the Hoffberg '992 device.

For these and other reasons, Hoffberg '992 does not disclose the subject matter defined by independent Claim 24. Therefore, Claim 24 is allowable. Claims 25-27 and 29 depend from Claim 24 and are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Hoffberg '992 does not teach or suggest the subject matter defined by dependent Claim 28. Therefore, Claim 28 is allowable. Claims 28 depends from Claim 24 and is allowable for the same reasons and also because additional patentable subject matter is recited.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 24-29 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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